## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

Criminal No. 4:10-CR-49-FL-3 Civil No. 4:12-CV-176-FL

WILLIE DEROD BEALE,	)	
Petitioner,	)	
	)	
V.	)	<u>O R D E R</u>
	)	
UNITED STATES OF AMERICA,	)	
Respondent.	)	

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty** (**40**) days of the filing of this order.

SO ORDERED.

This the 14 th day of August, 2012.

Louise W. Flanagan United States District Judge

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